

**CITY OF NEWPORT BEACH
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
THURSDAY, JULY 5, 2012
REGULAR MEETING – 6:30 p.m.**

MICHAEL TOERGE
Chair

BRADLEY HILLGREN
Vice Chair

FRED AMERI
Secretary

**TIM BROWN
KORY KRAMER
JAY MYERS
LARRY TUCKER**

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

KIMBERLY BRANDT, Community Development Director

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney TONY BRINE, City Traffic Engineer

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

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I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

V. REQUEST FOR CONTINUANCES

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF JUNE 21, 2012

Recommended Action: Approve and file

VII. PUBLIC HEARING ITEMS

Speakers must limit comments to three (3) minutes on all items. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

ITEM NO. 2 7-ELEVEN USE PERMIT (PA2012-025)

Site Location: 4221 MacArthur Boulevard, Suite B-01

Summary:

A request to approve a conditional use permit (CUP) to allow the establishment of a 2,369 square-foot, off-sale alcoholic beverage outlet (beer and wine only) in conjunction with the 24-hour convenience store (7-Eleven). The store will be located within a 12,351 square foot commercial center (formerly known as Dolphin Striker Project) currently under construction. Also included in the request is approval of an amendment to the Traffic Phasing Ordinance in conjunction with the approved project.

CEQA Compliance:

An Initial Study and Mitigated Negative Declaration (MND, MN2011-001) were previously reviewed and adopted by the City Council in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3, on October 25, 2011. No additional environmental analysis is required.

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. ____, approving:
 - a) Use Permit – Conditional No. UP2012-003, and

- b) Find that, based on the weight of the evidence in the administrative record, including Traffic Study No. TS2011-002 and that Traffic Study – No. TS2012-001 complies with the Traffic Phasing Ordinance in support of the proposed project.

ITEM NO. 3 NORTH NEWPORT CENTER PLANNED COMMUNITY AMENDMENT (PA2012-020)

Site Location: Fashion Island, Block 600, Block 800 and portions of Blocks 100, 400, 500 and San Joaquin Plaza of Newport Center

Summary:

Amendment of the North Newport Center Planned Community (NNCPC) Development Plan increasing the residential development allocation from 430 units to a total of 524 units (increase of 94 units) and allocating the units to the San Joaquin Plaza sub-area of the NNCPC. Project implementation also requires a transfer of development intensity, a development agreement amendment, a traffic study, an affordable housing implementation plan amendment, and a water supply assessment.

CEQA Compliance:

An Addendum (Addendum No. 2) to the Program Environmental Impact Report (SCH No 2006011119) certified on July 25, 2006 has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), Public Resources Code §§21000, et seq., and the State CEQA Guidelines, California Code of Regulations §§15000, et seq.

Recommended Action:

1. Conduct public hearing; and
2. Adopt draft resolution recommending the City Council adopt Addendum No. 2 to the Program Environmental Impact Report (SCH No 2006011119) for the City of Newport Beach General Plan 2006 Update and the Water Supply Assessment prepared for the project; and
3. Adopt the draft resolutions recommending the City Council approve Transfer of Development Intensity No. TD2012-002, Planned Community Development Plan Amendment No. PD2012-001, Amendment to Development Agreement No. DA2007-002, Traffic Study No. TS2012-004, and the proposed Amendment of the Affordable Housing Implementation Plan.

ITEM NO. 4 MARINA PARK PROJECT (PA2012-079)

Site Location: 1600 W. Balboa Boulevard

Summary:

Amendment of Coastal Land Use Plan (CLUP) Policy No. 4.4.2-1 to allow a tower feature within the City's previously approved Marina Park project to exceed the 35-foot shoreline height limitation zone. The Marina Park project was approved by the City Council in March 2009 and it included a 71-foot tall landmark tower feature depicting a lighthouse. No changes to the approved plans are proposed.

CEQA Compliance:

The Marina Park Project Environmental Impact Report (EIR) (SCH # 2008051096) was certified to the City Council in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3 on May 11, 2010. The tower feature was evaluated in the EIR, therefore no further environmental analysis is required.

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. ____ recommending the City Council approve the Amendment to the Coastal Land Use Plan No. LC2012-002.

VIII. OTHER BUSINESS

ITEM NO. 5 REVIEW OF RULES OF PROCEDURES OF THE PLANNING COMMISSION (PA2012-065)
Site Location: N/A

Summary:

On May 3, 2012, the Planning Commission directed staff to draft amendments to certain sections of the RULES OF PROCEDURES OF THE PLANNING COMMISSION (Procedures) for the Commission's consideration on June 21, 2012. Due to time constraints at the June 21st meeting, this item was not heard by the Planning Commission.

CEQA Compliance:

Revising the Planning Commission Rules of Procedures is not considered a "project" as defined by the California Environmental Quality Act (CEQA) in that this action has no potential to result in direct or indirect physical change to the environment.

Recommended Action:

1. Review and modify, if necessary, the proposed amendments to the Rules of Procedures of the Planning Commission for final action on July 19, 2012.

IX. STAFF AND COMMISSIONER ITEMS

ITEM NO. 6 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

ITEM NO. 7 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT.

ITEM NO. 8 REQUESTS FOR EXCUSED ABSENCES

X. ADJOURNMENT